

Section 12. Employment Lists

Employment lists shall become effective upon the approval thereof by the City Manager. Employment lists shall remain in effect for one year, unless sooner exhausted, and may be extended prior to their expiration dates by action of the City Manager for additional 6-month periods, but in no event shall an employment list remain in effect for more than 2 years.

Original appointments can only be made from the list of eligible candidates on the employment list who are ready and willing to accept the position offered.

The name of any person on an employment list may be removed by the City Manager if the eligible person requests such removal in writing, if the employee fails to respond to a written offer of employment within 5 business days next succeeding the mailing of notice, which shall be by registered mail, if a subsequent report of a background investigation shows that the person is unsatisfactory, or if the employee

has been rejected for appointment 3 times. If a candidate refuses to be considered for appointment or for interview, the City Manager may remove the name of the candidate from the employment list.

The names of persons on promotional employment lists who resign from the service may be dropped from such lists at the discretion of the City Manager.

Section 13. Layoff and Reemployment

Section 13.1 Layoff

Whenever, in the judgment of the City Council, it becomes necessary to abolish positions, the City Council may abolish any position including those set forth in Appendix "A" of this Memorandum of Understanding, and the employee holding such position or employment may be laid off without the right of appeal. The City Manager may likewise lay off regular employees due to a reduction in the service level, lack of work, or in a move for efficiency.

In reduction of force, employees with the least length of service in the classification affected shall be laid off first; provided, that any employee so laid off may elect to be reassigned to a classification with a lower salary scale held by an employee with less service with the City if (a) the senior employee has previously held a position within the classification; or (b) the classification to which the senior employee would be reassigned is within the same department and the senior employee is capable by training and experience of performing the work of the position to which that employee would be reassigned.

This section does not apply to the right of the City Manager to determine whether and when a vacancy shall be filled.

Section 13.2 Reemployment

The names of the probationary and regular employees who have been laid off shall be placed on a reemployment list for their classification in order of seniority.

When a reemployment list is used to fill vacancies, the rules under "Section 12 Employment Lists" of this Memorandum of Understanding shall be followed in the utilization of the list.

Section 14. Resignation and Reinstatement

Section 14.1 Resignation

An employee wishing to leave the competitive service in good standing shall file with the department head, at least 2 weeks before leaving the service, a written resignation stating the effective date and reasons for leaving. The resignation shall be forwarded to the City Manager with a statement by the department head or supervising official as to the resigned employee's service performance and other pertinent information concerning the cause of resignation. Failure of the resigning employee to give 2 weeks notice shall be entered on the service record of the employee and may be cause for denying future employment by the City. If the employee is a department head, the written resignation shall be filed with the City Manager.

Section 14.2 Reinstatement

A regular employee who has resigned in good standing may be reinstated to a vacant position of the same classification as the previous position within a period of 2 years from the effective date of resignation. Reinstatement shall be made at the salary step recommended by the department head and approved by the City Manager.

Section 15. Demotion and Transfer

Section 15.1 Demotion

The City Manager may demote an employee whose performance of required duties falls below standard, or for disciplinary purposes. No employee shall be demoted to a position for which the employee does not possess the minimum qualifications. Three days written notice shall be given the employee before the effective date of the demotion.

Section 15.2 Transfer